court denied recovery in tort, on the grounds that there was abundant scope for the operation of the clause in the charter without interfering with the principle that a charitable organization could not be sued in tort.

COMMON CARRIERS—APPLICATION OF HOURS OF SERVICE ACT TO EMPLOYEES OF TERMINAL CO.—Does the Hours of Service Act apply to a Terminal Company, operating a union freight station under contracts with ten railroads and several steamship companies; owning freight sheds and yards and connecting tracks, also tugs and car floats, but no cars; leasing two switching engines and employing crews, but carrying no passengers, and receiving goods only as agent of the railroads and steamship lines? *Held,* that such a company was a common carrier within the meaning of the Act, thus reversing 239 Fed. 287. *United States* v. *Brooklyn Eastern District Terminal,* (U. S. Supreme Court, March 24, 1919).

The court below held that the switching crews of defendant were clearly within the object of the Hours of Service Act, but as that act was limited to "common carriers" the point was too plain to need elaboration that it did not apply to defendant. The Supreme Court finds it too plain to call for much elaboration, that this unanimous conclusion of the Circuit Court of Appeals, First Circuit, is wrong. It does not depend on any nice distinctions of definite or corporate power, or of agency, but "whether Congress, in declaring the Hours of Service Act applicable to any common carrier or carriers, their officers, agents and employees, engaged in the transportation of passengers or property by railroad, made its prohibitions applicable to" defendant. The decision accords with the general principle that the public is not concerned with the agencies employed by a carrier to perform its duties, they are all impressed with the public nature of the carrier, and as to such public duties, the liability is joint and several. No duty or liability should be escaped by dividing the service with other agencies. In addition to the cases cited in the opinion, see such cases as, *Christenson* v. *American Express Company,* 15 Minn. 270 (Express Companies); *Robinson* v. *Southern Railroad Company,* 40 App. Cas. (D. C.) 549, Ann. Cases, 1914 C 959 (Sleeping Car Companies); *C. M. & St. P. Ry. Co.* v. *Minneapolis Civic Association,* 247 U. S. 490 (June, 1918, involving separate charges over terminal tracks).

COMMON CARRIERS—DISCRIMINATION BY GRANTING SPECIAL PRIVILEGES.—Plaintiff bought a railway ticket to a station at which his train did not stop. He brought an action for damages caused by requiring him to change cars so as to take a train stopping at his station. *Held,* that under such circumstances it was the duty of the passenger to stop off and wait for such train. Defendant company could not stop the other train at that station for plaintiff without violating the Federal Statute forbidding granting to any person any privileges in the transportation of persons or property, except such as are specified in the tariff. *May* v. *S. A. L. Ry.* (S. C. 1918), 96 S. E. 482.

The common law rule that charges must be reasonable did not require that they should be equal. *Fitchburg Ry. Co.* v. *Gage,* 12 Gray 393. If the